



**CITY OF MADISON
ZONING BOARD OF APPEALS
VARIANCE APPLICATION**

\$300 Filing Fee

Ensure all information is **typed** or legibly **printed** using blue or black ink.

Address of Subject Property: 442 TOEPFER AVE

Name of Owner: GEORGE & BARB PERKINS

Address of Owner (if different than above): _____

Daytime Phone: 608-381-7668 Evening Phone: 608-442-5558

Email Address: geobarbperkins@yahoo.com

Name of Applicant (Owner's Representative): SELF

Address of Applicant: _____

Daytime Phone: _____ Evening Phone: _____

Email Address: _____

Description of Requested Variance: BUILDING PERMIT FOR REPLACEMENT
ROOF AND BACK PORCH. EXISTING GARAGE (1937)
SET-BACK 3-FOOT AND EAVES 4.5-FOOT VARIANCE.
SEE ATTACHED PLANS.

(See reverse side for more instructions)

FOR OFFICE USE ONLY	
Amount Paid: <u>\$300 -</u>	Hearing Date: <u>1-21-21</u>
Receipt: <u>1060681-0003</u>	Published Date: <u>1-14-21</u>
Filing Date: <u>12-23-20</u>	Appeal Number: <u>LNDVAR-2021-00001</u>
Received By: <u>MWT</u>	GQ: <u>02 (26A)</u>
Parcel Number: <u>0709-282-0602-2</u>	Code Section(s): <u>20.042 (2)</u>
Zoning District: <u>TR-C1</u>	
Alder District: <u>11-ARUNA MARTIN</u>	

Standards for Variance

The Zoning Board of Appeals shall not grant a variance unless it finds that the applicant has shown the following standards are met:

1. There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.

THE HOUSE AND GARAGE AT 442 TOEPFER AVE
CONTAIN CONDITIONS UNIQUE TO THIS PROPERTY.
SEE ADDENDUM.

2. The variance is not contrary to the spirit, purpose, and intent of the regulations in the zoning district and is not contrary to the public interest.

STRICT APPLICATION OF REGULATIONS ARE CONTRARY
TO THE SPIRIT, PURPOSE, AND INTENT OF THE
ORDINANCE AND CONTRARY TO THE PUBLIC INTEREST.
SEE ADDENDUM.

3. For an area (setbacks, etc) variance, compliance with the strict letter of the ordinance would unreasonably prevent use of the property for a permitted purpose or would render compliance with the ordinance unnecessarily burdensome.

IT WOULD BE BURDENSOME TO STRICTLY APPLY THE
ORDINANCE; DOING SO WOULD UNREASONABLY PREVENT
THE PERMITTED PURPOSE. SEE ADDENDUM.

4. The alleged difficulty or hardship is created by the terms of the ordinance rather than by a person who has a present interest in the property.

FUTURE OWNERS AND THE COMMUNITY WOULD
EXPERIENCE THE SAME DIFFICULTIES AS THE
CURRENT OWNER. SEE ADDENDUM.

5. The proposed variance shall not create substantial detriment to adjacent property.

THE PROPOSED VARIANCE RELIEVES AN EXISTING
DETRIMENT. SEE ADDENDUM.

6. The proposed variance shall be compatible with the character of the immediate neighborhood.

THE PROPOSED VARIANCE IS COMPATIBLE WITH THE
CHARACTER OF THE NEIGHBORHOOD. SEE ADDENDUM.

Application Requirements

Please provide the following information: Incomplete applications could result in referral or denial by the Zoning Board of Appeals. (Maximum size for all drawings is 11" x 17".)

<input checked="" type="checkbox"/>	Pre-application meeting with staff: Prior to submittal of this application, the applicant has met to discuss the proposed project and submittal material with the Zoning Administrator.
<input checked="" type="checkbox"/>	Site plan , drawn to scale. A registered survey is recommended, but not required. Show the following: <ul style="list-style-type: none"> <input type="checkbox"/> Lot lines <input type="checkbox"/> Existing and proposed structures, with dimensions and setback distances to all property lines <input type="checkbox"/> Approximate location of structures on neighboring properties adjacent to variance <input type="checkbox"/> Major landscape elements, fencing, retaining walls or other relevant site features <input type="checkbox"/> Scale (1" = 20' or 1' = 30' preferred) <input type="checkbox"/> North arrow
<input checked="" type="checkbox"/>	Elevations from all relevant directions showing existing and proposed views, with notation showing the existing structure and proposed addition(s).
<input checked="" type="checkbox"/>	Interior floor plan of existing and proposed structure , when relevant to the variance request and required by Zoning Staff (Most additions and expansions will require floor plans).
<input type="checkbox"/>	Front yard variance requests only. Show the building location (front setback) of adjacent properties on each side of the subject property to determine front setback average.
<input type="checkbox"/>	Lakefront setback variance requests only. Provide a survey prepared by a registered land surveyor showing existing setbacks of buildings on adjacent lots, per MGO 28.138.
<input type="checkbox"/>	Variance requests specifically involving slope, grade, or trees. Approximate location and amount of slope, direction of drainage, location, species and size of trees.
<input checked="" type="checkbox"/>	Digital copies of all plans and drawings should be emailed to: zoning@cityofmadison.com
<input checked="" type="checkbox"/>	CHECK HERE. I understand that in order to process my variance application, City Staff will need access to my property so that they can take photographs and conduct a pre-hearing inspection of the property. I therefore give City Staff my permission to enter my property for the purpose of conducting a pre-hearing inspection and taking photographs.
<input checked="" type="checkbox"/>	CHECK HERE. I acknowledge any statements implied as fact require supporting evidence.
<input checked="" type="checkbox"/>	CHECK HERE. I have been given a copy of and have reviewed the standards that the Zoning Board of Appeals will use when reviewing applications for variances.

Owner's Signature: George J. Palant Date: DECEMBER 12TH 2020

----- (For Office Use Only) -----

<u>DECISION</u>		
The Board, in accordance with its findings of fact, hereby determines that the requested variance for _____ (is) (is not) in compliance with all of the standards for a variance.		
Further findings of fact are stated in the minutes of this public hearing.		
The Zoning Board of Appeals: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Conditionally Approved		
Zoning Board of Appeals Chair:	Date:	

VARIANCE APPLICATION ADDENDUM

442 Toepfer Ave

Madison, Wisconsin

Prepared by George and Barb Perkins, owners

December 2020

1. There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.

The home and garage at 442 Toepfer Avenue contain conditions unique to this property:

- a. The features of the house and garage have historic significance. (See the Westmorland walking tour for citation <https://westmorland-neighborhood.net/history/>).
 - b. Two-stall garages are rare in the Westmorland neighborhood. The owner is unaware of any other example of a flat-roofed, masonry, attached garage in this neighborhood.
 - c. In contrast to other adjacent properties with 0-foot to 3-foot set-back (there are numerous) which usually have a sloped roof with eaves, eave troughs, and drainage into the narrow confines of the property line, this garage's flat roof and central drain sets it apart. Granting a variance will allow this property's unique character to persist for many years.
2. The variance is not contrary to the spirit, purpose, and intent of the regulations in the zoning district and is not contrary to the public interest.

Strict application of regulations are contrary to the spirit, purpose and intent of the ordinance and contrary to the public interest:

- a. The house and garage was constructed in 1937. The north-facing wall of garage presumably met all set-back (3-foot) requirements of that era. A variance in 2020 maintains the original spirit, purpose and intent of regulations that applied in 1937.
- b. To achieve modern 6-foot set-back would necessitate a demolition of the attached masonry garage which would not be desirable due to the historic significance of the home. The public's interest is to maintain the existing footprint and integrity of the design.
- c. The proposed repair will help to maintain the longevity of the existing structure. The new roof will properly drain water, instead of leak into and damage the garage or drain onto the neighbor's driveway.
- d. A variance granted will avoid creation or continuation of problems that if unaddressed could escalate to a public nuisance. With the new roof, water will no longer collect "swimming pool effect" on the rooftop, and so eliminate mildew, smells, mosquito breeding, etc. The current owner must frequently clear the roof drain to avoid some of these issues.
- e. Building regulations intend to improve the safety, liveliness, attractiveness, function, and comfort in the neighborhood. The repair is being constructed in such a way to comply with the spirit and intent:
 - i. By matching the 2009 architectural improvement of the house, joining the structures in a more cohesive, pleasing blend.
 - ii. By solving a water drainage problem.

- iii. Use of rain barrels and rain gardens to lessen the impact of impervious run-off into area lakes. The owner intends to obtain assistance from the Friends of Lake Wingra (<https://www.lakewingra.org/rain-gardens>) and apply for a grant to design and install a rain garden and other run-off mitigation into a driveway replacement project the following year (the site plan shows a preliminary concept). The home is in the City of Madison Green Infrastructure Study area (<https://www.cityofmadison.com/engineering/projects/green-infrastructure-study>). Rain gardens complement the landscaping already present.
 - iv. Preserving the longevity of an existing historic structure on a neighborhood walking tour.
 - v. Enabling the owner to add a back screened porch within a sweeping roofline that matches the contours of the home and garage and thus further improve the enjoyment, usefulness, and value of the home.
 - f. A demolition or addition to the garage is not proposed. What is proposed is a repair of an existing structure with slight modification (eaves, eavestroughs, pitched roof), so a variance to a set-back regulation continues the intent and spirit by allowing maintenance of an existing functional building.
3. For an area variance, compliance with the strict letter of the ordinance would unreasonably prevent use of the property for a permitted purpose or would render compliance with the ordinance unnecessarily burdensome.

It would be burdensome to strictly apply the ordinance regulations; doing so would unreasonably prevent the permitted purpose:

- a. It would be burdensome to comply with a 6-foot set-back, since the existing 2-stall garage would have to be completely demolished, and a replacement building would have less usable area.
- b. It is unreasonable to attempt another repair of the problematic roof on the existing garage.
 - i. Multiple repairs have already been attempted with limited success since 2005 (when the current owner purchased the property). Knowledge of roof maintenance prior to that date is unknown.
 - ii. The roof and the drain have never functioned well. In 2005 it was a bitumen roof covered with moss and plants. It leaked. After rain it contained stagnant water.
 - iii. In 2006 the bitumen roof surface was replaced with rubber but since then has never drained properly. Several adjustments have been attempted since 2006 with varying degrees of improvement, but still the roof collects water, the drain clogs, the lateral downspout piping leaks (interior of the garage), and the roof leaks.
- c. The previous owners of 438 Toepfer (neighbor to the north) removed a single stall garage (also with a 3-foot set-back) and erected a new detached two stall garage at the back of their lot. They installed a new driveway to reach to the rear of their lot to the new garage. The drainage from the 442 Toepfer garage continues as before. Instead of draining into a permeable turf/garden area, now it drains onto a concrete driveway. Rain barrels on the roof, to catch water that is collected from the 2nd floor house roof and drained onto the flat garage roof, was a negligible improvement. So in summary, by allowing a variance for a new

pitched roof to properly redirect the downspouts corrects long-standing drainage problems. Stated another way, not allowing the variance is a burden to the neighbors living at 438 Toepfer.

4. The alleged difficulty or hardship is created by the terms of the ordinance rather than by a person who has a present interest in the property.

Future owners and the community would experience the same difficulties as the current owner:

- a. Compliance with the 6-foot set-back would require demolition of garage to meet that requirement. Demolition and construction of a new, smaller garage is a barrier to this owner and future owners.
- b. The 6-foot set-back is contrary to historical context for the garage structure. Future generations would feel this loss of historic context.
- c. Current owner and future owners face the same limitations. Repairing the roof in some unimagined way that avoids the short-comings of the existing roof design might be possible, but the owner is unaware of any which are innovative, attractive solutions. The owner consulted with several builders and roofers for alternatives. These other solutions all have a primary drawback of being ugly, but also have varying degree of impracticality. These ideas were explored:
 - i. Status-quo. Roofers offered to replace the rubber roof as-is. No builders or roofers offered to repair the problematic drain system; they see it as a serious short-coming of this roof. The drain fills with ice in the winter and debris through the warm months. Relining the existing "swimming pool" to reduce (but never really solve) the leaks is not therefore desirable by current owner or likely by future owners (that is, if they are well-informed of the roof's history).
 - ii. The least costly solution for the existing garage would deploy rigid foam to build-up the "swimming pool" to a height above the parapet walls, capping the garage with a sloped shed-style roof without eaves or eavestroughs, with drainage to the rear. This design may well be water-proof, but would be ugly and not in keeping with the design of the remainder of the house.
 - iii. Keep the garage but with removal of drain by cutting the parapet wall down and installing scuppers. A scupper would likely eventually damage the masonry walls. Multiple scuppers would be used, some would still flood the neighbor's driveway.
 - iv. Meet the 6-foot set-back requirement by demolition and construction of a new, smaller garage. Design or cost not pursued in any detail.
 - v. Obtain a variance for a new roof design with eaves and eavestroughs. This is the desired solution.

5. The proposed variance shall not create substantial detriment to adjacent property.

The proposed variance relieves an existing detriment:

- a. Tim and Laura Puls (438 Toepfer Ave) approve of the proposed design. See attached letter.
- b. The northern set-back aligns to the neighbor's driveway. Moving the downspouts away from that impervious surface will be an improvement.

- c. The added frieze and fascia height (ten inches) plus increased roof ridge height (another ten inches) – total approximately 20 inches – does not cast shadow onto windows or gardens or block views.
6. The proposed variance shall be compatible with the character of the immediate neighborhood.
- The proposed variance is compatible with the character of the neighborhood:*
- a. Current owner has made considerable efforts to improve and maintain the home and lot. In 2009 the 2nd floor addition to the house preserved many historic features of the home and was met with high interest and approval by neighbors, architects, and historic experts. (Home is included in Westmorland neighborhood walking tour, see <https://westmorland-neighborhood.net/history/>).
 - b. Maintenance of the home, including repair of existing garage roof in an esthetically pleasing manner, is in the interest of current and future residents of Westmorland Neighborhood.
 - c. The design of the proposed garage roof is consistent with the architecture of the attached house and is in character with the complex and varied architectural styles present in the neighborhood. The home has been called a 21st century interpretation of a 20th century International by the architect (Andy Wanek, Ginko Architecture) who designed it.

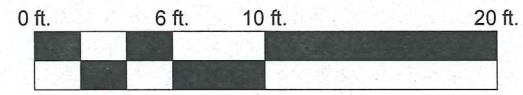
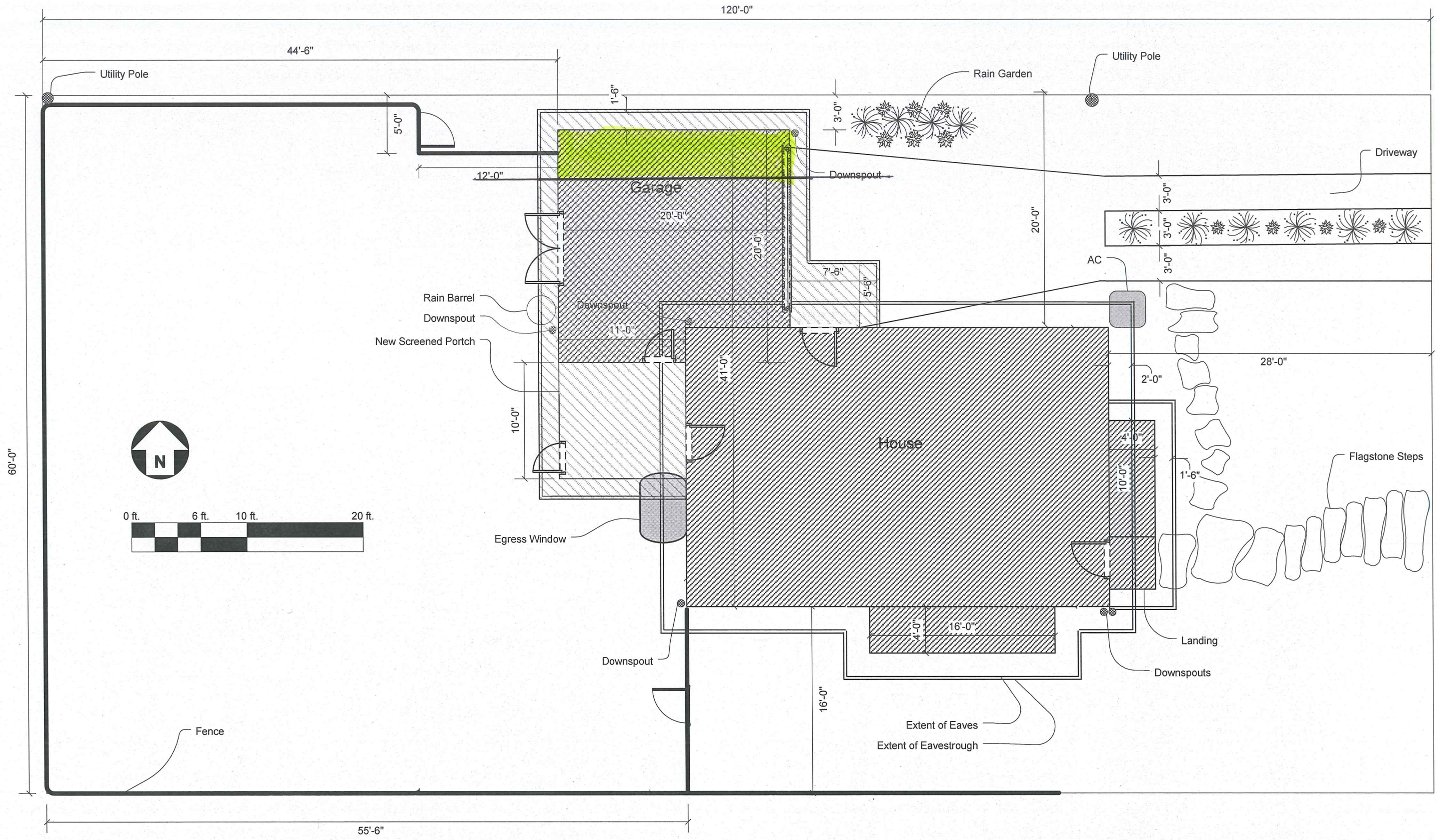
Two-Story Single-Family Dwelling
 Reconstruct/Modify Rear over Garage
 Side Yard

7'-0" Required
 3'-0" Provided
 4'-0" Variance

1/8" = 1'-0" (FOR 11" x 17")

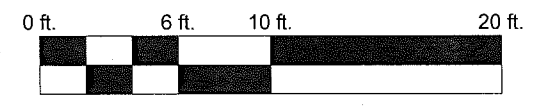
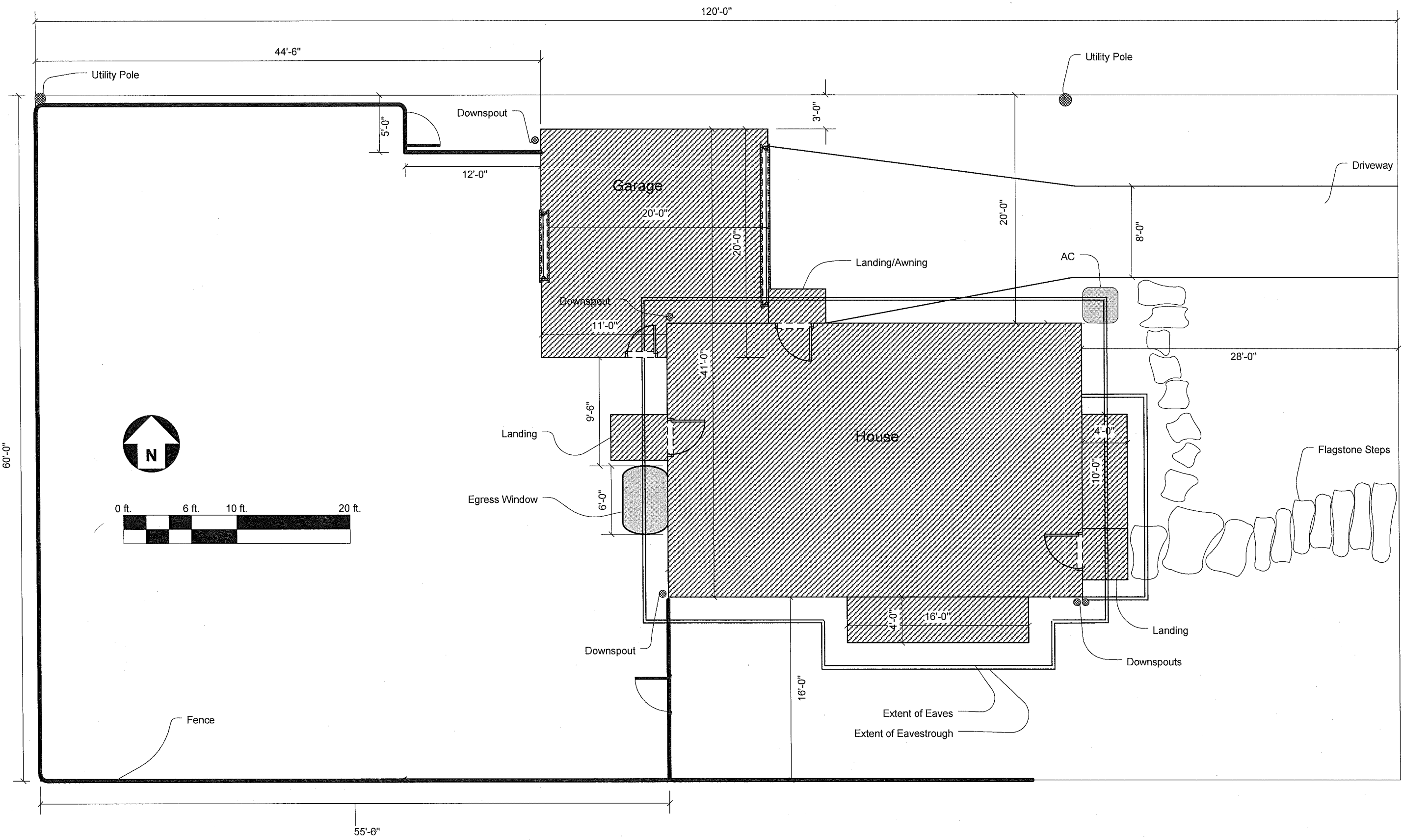
PERKINS
 DECEMBER 1, 2020
 PROPOSED SITE PLAN
 442 TOEPFER AVE

Area of Improvement
 Shaded



1/8" = 1'-0" (FOR 11" x 17")

PERKINS
DECEMBER 1, 2020
EXISTING SITE PLAN
442 TOEPFER AVE



120'-0"

44'-6"

60'-0"

55'-6"

Utility Pole

Downspout

12'-0"

Garage

20'-0"

20'-0"

3'-0"

Utility Pole

Driveway

Landing/Awning

AC

8'-0"

Downspout

11'-0"

41'-0"

28'-0"

Landing

9'-6"

House

Flagstone Steps

Egress Window

6'-0"

4'-0"

10'-0"

Downspout

Landing

Downspouts

16'-0"

Extent of Eaves
Extent of Eavestrough

Fence

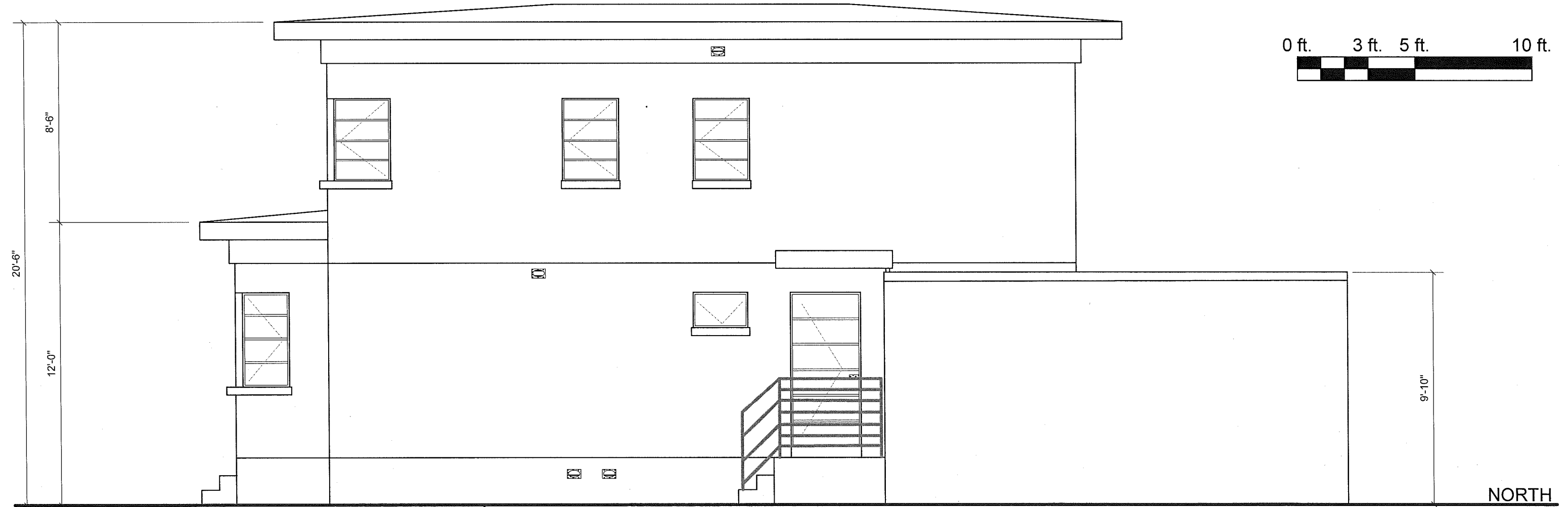
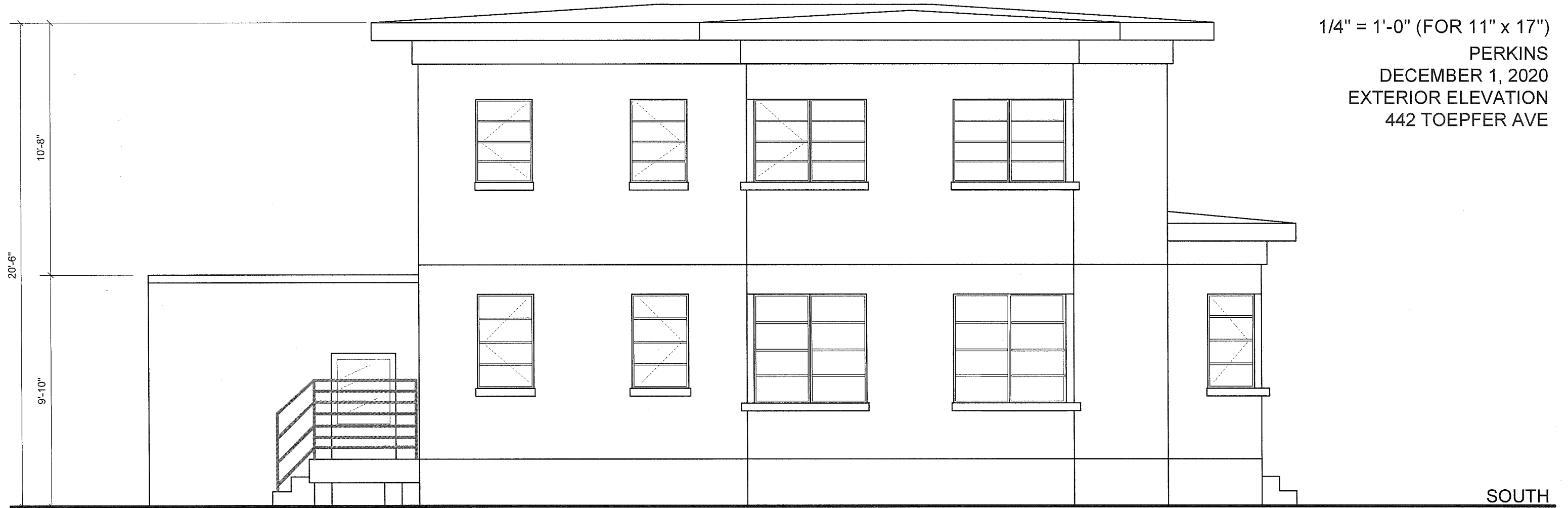
1/4" = 1'-0" (FOR 11" x 17")

PERKINS

DECEMBER 1, 2020

EXTERIOR ELEVATION

442 TOEPFER AVE



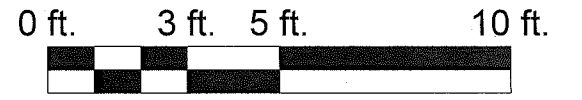
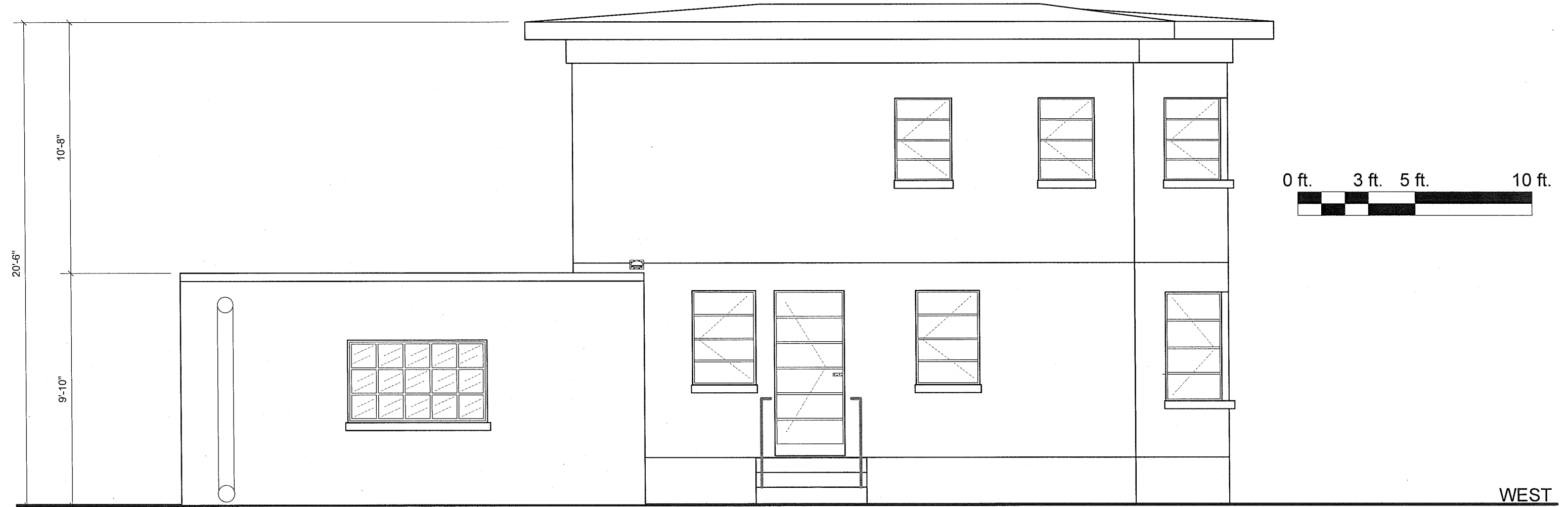
1/4" = 1'-0" (FOR 11" x 17")

PERKINS

DECEMBER 1, 2020

EXTERIOR ELEVATION

442 TOEPFER AVE



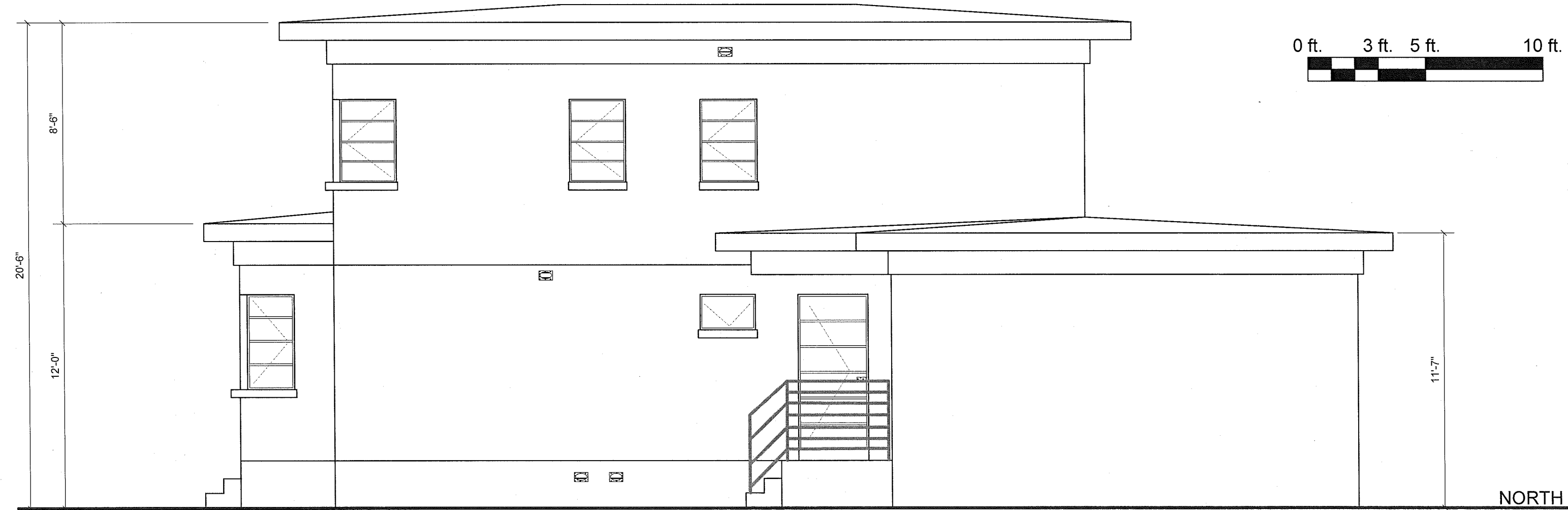
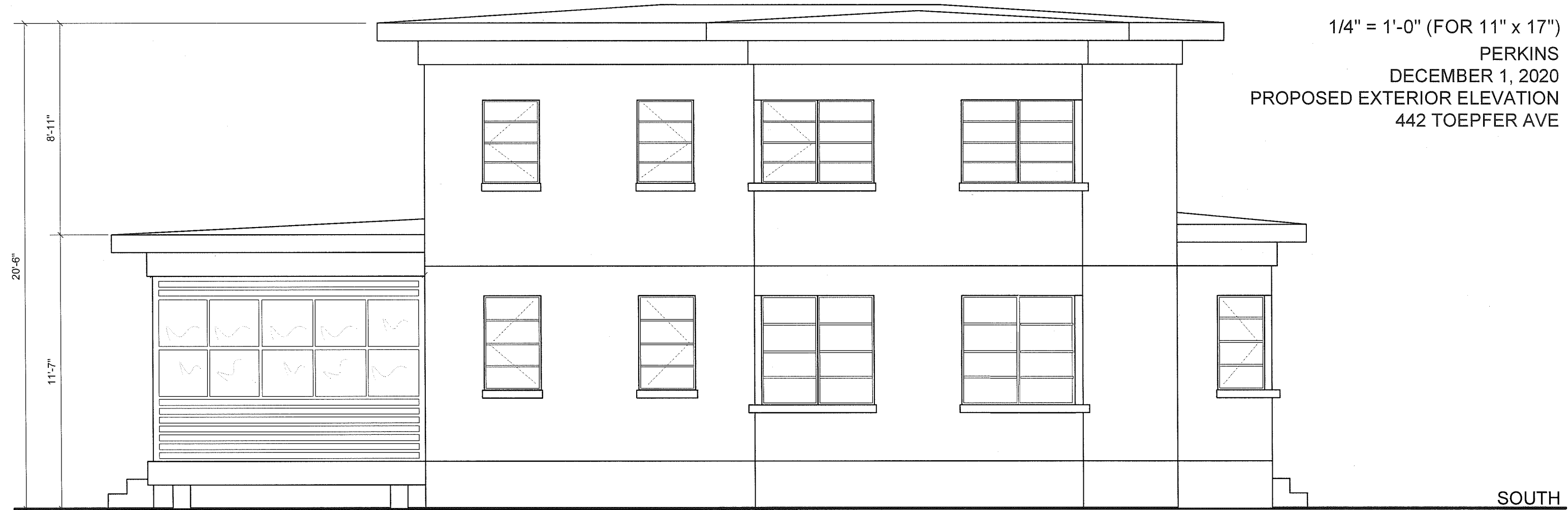
1/4" = 1'-0" (FOR 11" x 17")

PERKINS

DECEMBER 1, 2020

PROPOSED EXTERIOR ELEVATION

442 TOEPFER AVE



1/4" = 1'-0" (FOR 11" x 17")

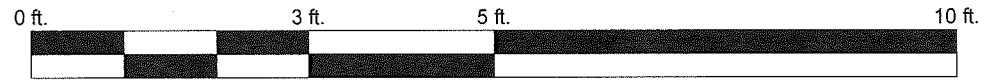
PERKINS

DECEMBER 1, 2020

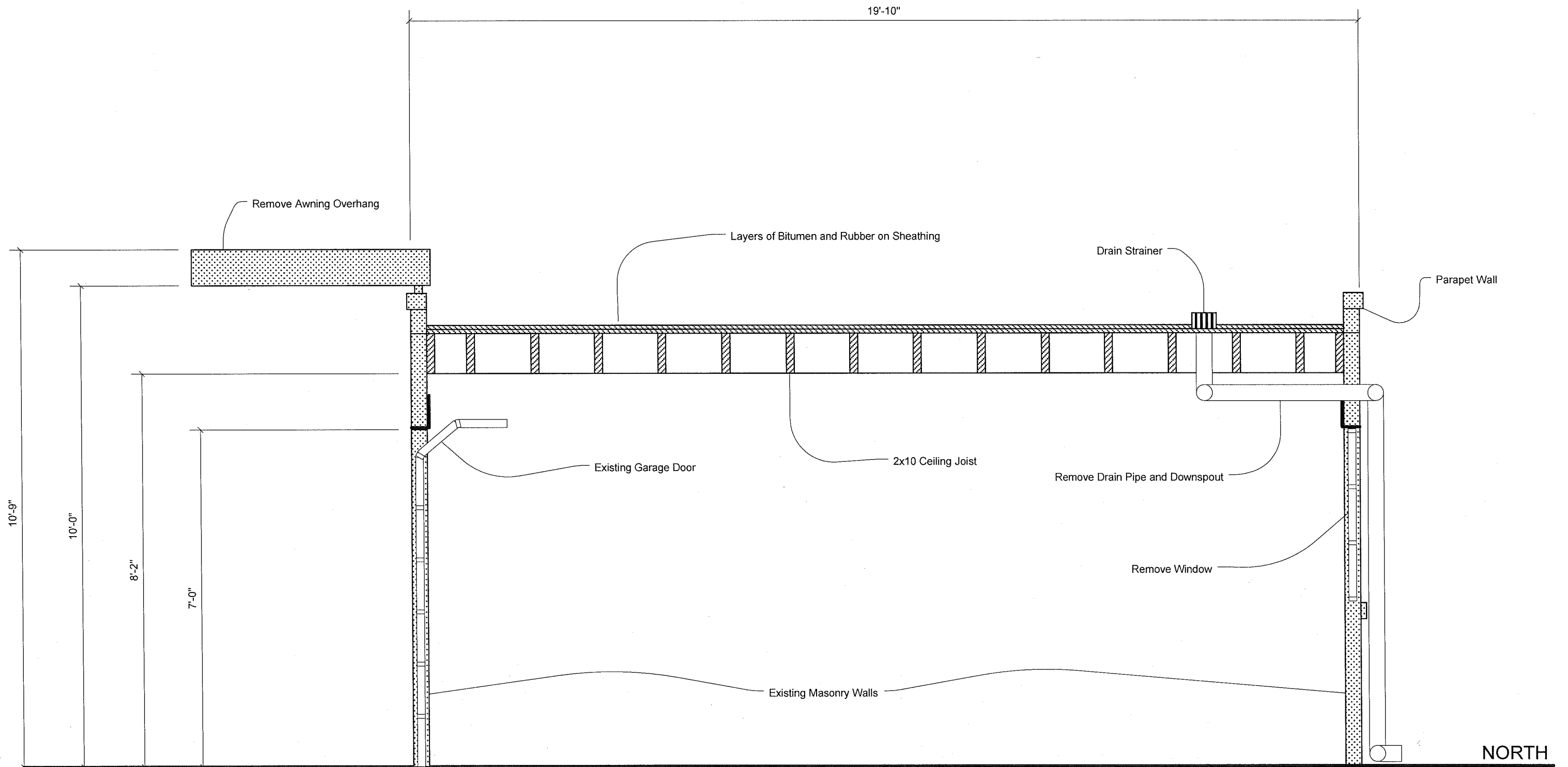
PROPOSED EXTERIOR ELEVATION

442 TOEPFER AVE





1/2" = 1'-0" (FOR 11"x17")
PERKINS
DECEMBER 1, 2020
GARAGE CROSS-SECTION
442 TOEPFER AVE





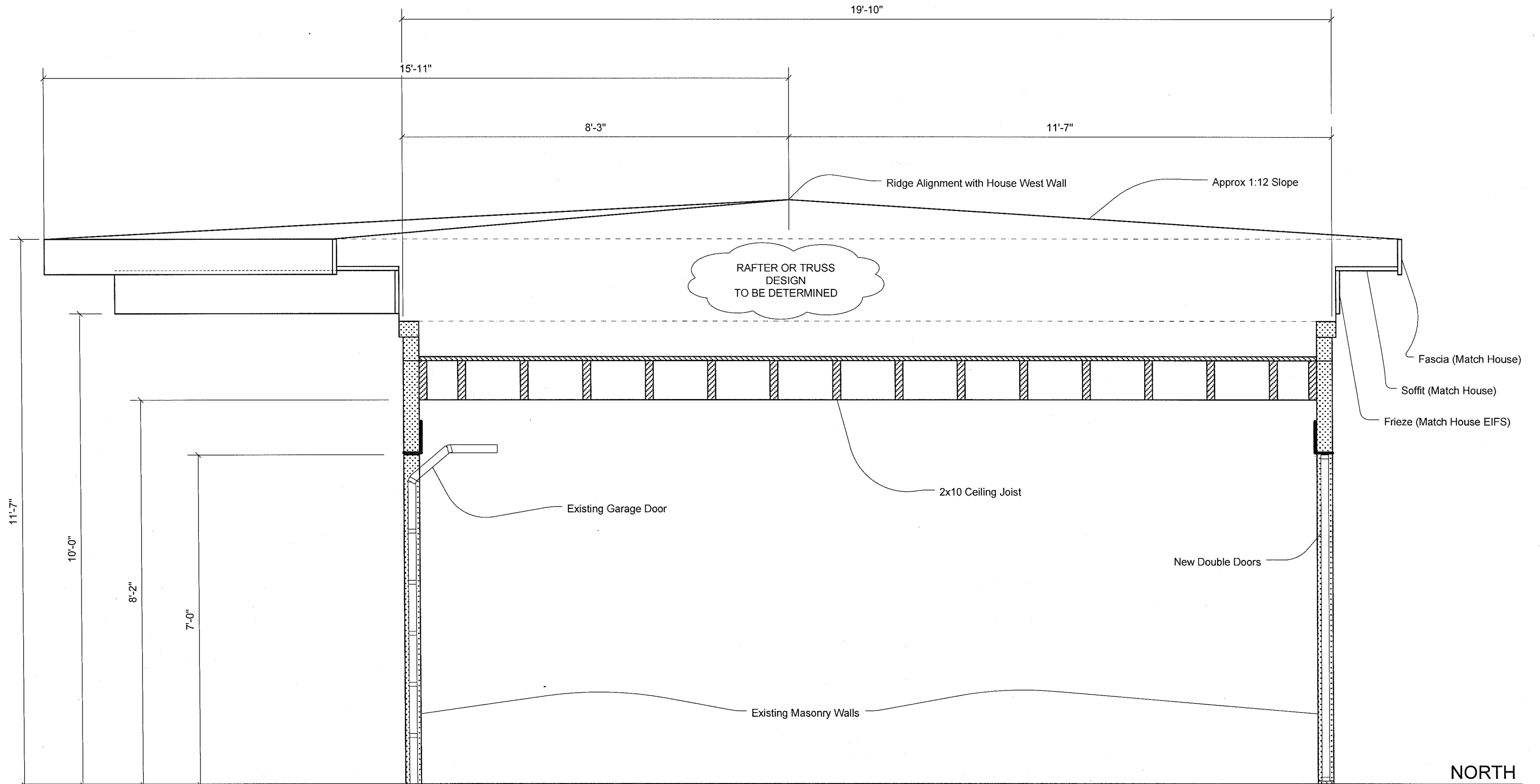
1/2" = 1'-0" (FOR 11"x17")

PERKINS

DECEMBER 1, 2020

PROPOSED GARAGE CROSS-SECTION

442 TOEPFER AVE



NORTH